20

Sectt. II-48—19,083—11-8-21

(192) Department

SERIES.

G.O. No. 1038

DATED 15-7-21

[Despatch Abstract.]

C.F. 29—1,296 24-12-19.

530/4-4-21

HOME (EDUCATION) **DEPARTMENT.** 1333

C No

Received 16 APR 1921

Registered 18/4/1921

Subject.

Acquisition of land - Mangalore Town - Market Ward - Block No. I - Canara High School - Extensions.

ENCLOSURES.
No. Two

Spare copies

Ref. on C. No. 3472 Rev. 19.

Station Mangalore *Dated the* 4th April 1921.

From (Name) R. H. Ellis, Esquire, I.C.S.,

(Designation) Collector of South Kanara.

To The Secretary to the Government of Madras,

Home (Education) *Department.*

Sir,

In continuation of my reply dated 31st December 1920 to Government Memoranda No. 5386 M. dated 9th August 1920 and No. 1666 B-1 dated 3rd September, ibid, I enclose a draft notification under section 6 of the Land Acquisition Act, 1894. The plots proposed for acquisition are T. S. Nos. (1) 4-1-5, R. S. No. 379a, (2) 4-1-2/380, (3) 8/374-1 and (4) 3/378. Of these the proprietary right of Nos. 1, 2 and 4 is owned by one Gopalakrishna Bangera but they are actually in the occupation of mulgeni tenants. Item No. 3 is a trust property in the management of one Haji Ebrahim Elias Shet Sahib and is classed as ---------

Mahomedan burial ground.

On the attitude of the Mahomedan Community towards the the proposal to acquire the burial ground - item 3 in the notification - I have already expressed my views in detail in my letter dated 31st December 1920 quoted at the top. As -- regards the other three plots, the proprietor is willing to - part with the plots, but the mulgeni tenants object in the -- usual manner and demand exorbitant prices. The tenants of item 2 protest against the proposed acquisition on the ground that the institution is a sectarian one which does not benefit other communities, that the plot contains their devil shrines sacred to them and that other equally good plots are not proposed for acquisition because they belong to men of the Gowd Saraswath Community. On enquiry it is found that a niece of Rama is a peon or the Girls' School attached to the Canara High School and two of his nearest relations were educated in the said High School as free scholars. Hence their first objection fails. As regards the second objection, it is found that the only devil shrine existing in the locality stands in S.No.379 which has already been alienated to a Roman Catholic Christian and the building has fallen down. The family 'daivas' (devils) referred to consist of a small idol which can conveniently be removed to any place and is worshipped only once in a year. Their third objection is that lands in S.Nos.14, 15 & 17 are not to be acquired, although all or some of them belong to the Gowd Saraswath Community and can consequently be easily acquired for the purposes in view. None of these plots in fact belongs to the members of the Gowd Saraswath Community. Besides, these plots are separated from the school compound by a public road and are not, therefore, advantageously situated. Hence none of the objections are valid. Copies of the statements containing the objections urged are enclosed.

The School authorities have accepted the valuation now made and have expressed their readiness to pay the amount when required and appear to have applied to the Educational authorities for Government grant towards the cost of the acquisitio They are also willing to abide by the prescriptions of G.O.No. 134, Home (Education), dated 27th January 1920. After the -- publication of the declaration, they will be called on to ---- provide the Land Acquisition Officer with necessary funds.

For Collector. 2/4/21.

encls: Cost 7-4-21 Mun 7.4.21

To

R. H. Ellis, Esq., I. C. S.,

Collector of South Kanara.

The petition of Dugge Hengsu and her family residing in Kodialbail, Mangalore Town, dated 18th March 1920.

Most Respectfully Showeth,

1. That your humble petitioners are members of an Aliyasantana family consisting of 19 members as shown in the table of genealogy hereto of which the ejamanthi for the time being is 1st petitioner Dugge Hengsu.

2. That your petitioners though once of a pretty well-to-do family are now poor and their only property is the house site S. No. 380 of 11 cents in Block No. 1 of Ward IV of --- Mangalore Town as shown in the plan annexed hereto. The only other property they have is the inconsiderable right to a --- Mulgeni rental of 10 muras of rice per annum in a property in Tiruvail village. Of your petitioners some are clerks, some peons, and the rest follow the trade of milk-men.

3. That in these circumstances petitioners are sorely grieved to hear that the Canara High School authorities --- have set their mind on compulsorily acquiring petitioners' -- aforesaid property in order to add it on to their own school which is separated from petitioners by four compounds of -- others.

4. That petitioners humbly beg to submit that the said authorities have no justification whatever in view of the following, amongst other cirumstances.

(a) The said school though aided by Government grants is purely private and is owned by only the Gowd Saraswat or -- Konkani community and is in no sense public. Petitioners therefore submit that no such compulsory acquisition can be

lawfully made.

(b) Petitioners' family has been residing there from tim immemorial and the said building is sacred to them as from lon times petitioners and their ancestors have been worshipping th family Deivas and performing their family Deva ceremonies therein. Under no circumstances can petitioners leave family Deiva and leave their place.

(c) The site in question consists of two big buildings with out-houses and being situated in the central part of the town is very valuable and though, if sold, would now get not less than Rs. 4,500/- petitioners being, as set forth above, of an Aliyasantana family, if the property is to be sold and the - proceeds distributed would fetch so little to each one that practically petitioners shall have to beg for a residence elsewhere.

(d) Petitioners are all the more sorry since only in 1905 a valuable compound of 16 cents extent of their family with 3 good houses in it and 16 cocoanut trees and others, which now - forms part of the school compound was forcibly got from petitioners' family for the low price of Rs.450/-; forcibly in this sense; the students of the school were made to throw stones at the houses, and so much pressure was put on the then poor and illiterate seniors of the family by the men of position of the said community who were then managing the school, and troubled them in so many ways that they were compelled to sell it up to the said managers and be thankful for what little they could get. This is the fate of the poor and ignorant people owning small bits of ground in the neighbourhood of rich and influential men.

(e) Petitioners beg to submit most humbly that though the -- institution is an educational one and does good to the public in its own way and even then, after what has been set forth above in

para (3) the school managers as a matter of common humanity ---- and fellow-feeling ought not to oppress these helpless members of the lower class any further, and turn them out of the last thing they have to keep them together and to carry on their --- ceremonies and also their professions.

(f) Petitioners beg to submit once again that the school is thoroughly communal and no person who is not of the said community has any voice in its management.

(g) Petitioners beg to submit that the [illegible] is not at all necessary for the school and the only object so far as petitioners can divine seems to be to get it from petitioners who are poor and ~~and~~ cannot much resist and then make it a precedent to squeeze out the intermediate four --- owners who will not so easily yield and who are influential --- enough to resist now.

(h) If the school is in real necessity however, and bona fide, truly the fairest course for them would be to acquire --- any or all of the adjoining plots in No. 3 central ward or --- Nos. 14, 13, 15 and 17 all or several of which belong to their own community men and perhaps to the managers or their relations and which they ought easily to get from them, the school being their own There is but a narrow road separating these -- plots from the Canara High School compound, even adjacent to their Girls' school in some places, and they would be indeed -- invaluable to the school. The fact that the authorities of the school have abandoned such an obvious and straightforward idea and have set themselves to oppress these poor petitioners who are of a low and illiterate caste and who are entirely -- without support in high quarters amply speaks for itself. .

5. That petitioners learn that the school authorities --- in their application for their acquisition have falsely stated that there are frequent rat falls in the house of petitioners

and as a result the school has to be closed on that account. This is quite false.and has been invented simply to prejudice the Government without giving these poor petitioners a hearing. The fact that the site in question is separated from the school by as many as four compounds and is at least 120 yards distant therefrom and the fact that since Mangalore first got plague till now there has not been a single rat-fall in petitioners houses or garden, as will be clearly proved by a reference to the Municipal records, only reminds one of the Wolf and the Lamb's story.

6. That petitioners also learn that one Krishna and Kogga though of this family have given their consent for the said acquisition, but they are only junior members living apart from the family. Not only that, the said members have never worked in any way for the good of the family and have not the least -- interest of the family at heart, but think that they might get some money out of this for their trade probably. Hence the -- consent of the said persons can in no way affect the interest - of the petitioners or bind the family.

7. That in these circumstances petitioners most humbly pray that your Honour will be graciously pleased, (a) to see the facts as they are, (b) to inspect the locality, if possible, and (c) not to lend the aid of Government to what is otherwise wholly illegal and unjust, and ruinous to your poor petitioners.

8. That petitioners lastly pray that this petition may be --- heard in Mangalore so that their personal representations may be -- considered and the matter disposed of.

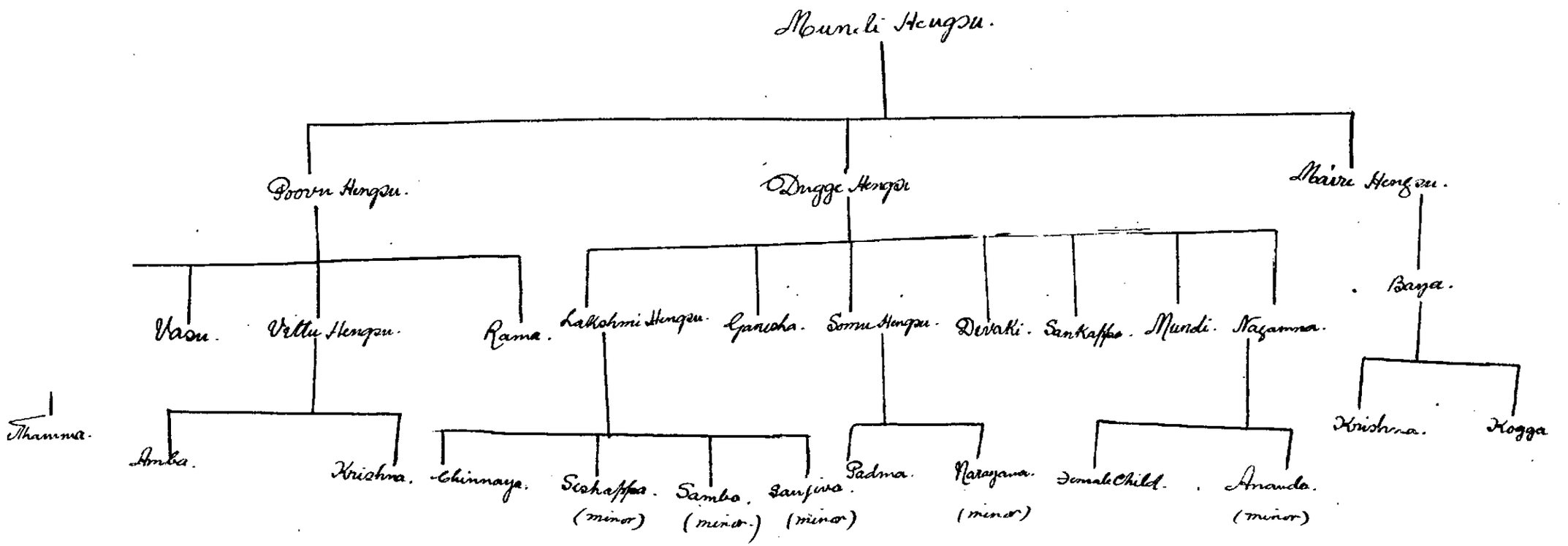
For which act of justice and mercy, petitioners shall ever remain most grateful.

/True copy/

D'Mambra
7.421

For Collector.

Genealogy of the Petitioners' family.



III marks of Dugge Hengsu the Senior most man in the family.

For Collector 8/4

Corrd
Cls
8-12-24

Petition of M. Rama & M. Krishna (direct nephew of Rama) dated 23rd March 1921, addressed to the Collector of South --- Kanara.

The petitioners have been served in notice to the acquisition of T. S. No. 2 of IV Ward Block No. 1 S. No. 380 for the purpose of Kanara High School. The petitioners submit that the plot is too small for any purpose connected with the school. The petitioners moreover will be put to great difficulties --- by the acquisition for want of residence. The plot moreover does not adjoin or abutt the school premises and the petitioners submit that this plot has been pointed out for being acquired by their enemies for annoying and troubling the petitioners. The buildings are unsuited for any of the school purposes being congested except for ordinary dwelling-house of a few inmates. The buildings even if demolished will cause the --- school considerable sum as they were offered for Rs.4,500/- and refused.

The petitioners further submit that these petitioners -- alone are solely entitled to the property being gifted to the petitioners' mother by her husband petitioners' father he having got it by gift from his father Thanku by name.

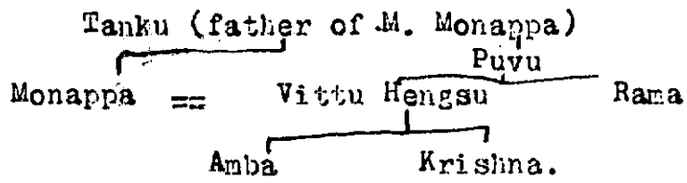
The Municipal taxes and mulgeni rents have been paid --- by the petitioners' uncle (Rama). Petitioners Aliyasantana family being the self-acquired property of this petitioner's branch as stated above pray therefore that the plot be not --- acquired and if the Court deems it absolutely necessary ----- the petitioners might be awarded compensation of Rs.4,500/- the proper value thereof.

The petitioners submit that the improvements in the property have all been effected by the petitioners branch and not

by the other petitioners the so called ejamanthi Dugge Hengsu. The petitioners beg to point out that the value of property having been increased by leaps and bounds from day to day.

For which act of kindness and generosity the petitioners ever pray.

Genealogical Tree.



/True copy/

For Collector. 7.4

37 12

Statement of P. S. Fernandes of Codialbail village (Mangalore town) recorded by the Kasba Bazaar shanbhogue --- on 31st December 1919.

I have purchased the mulgeni right of S. No. 379 of Kasba Bazaar village for Rs.1,200/- from Manibettu Kantu -- Bhandari on 23rd September 1919 and have been enjoying the same on right of purchase. With a view of constructing a new house on the site, I gave it on contract for Rs. 1800/- and have actually advanced Rs.960/- to the contractor. The stone foundation for the new house has already been laid. I am in a great need of the site. Therefore I am not willing to part with the site for the Canara High School under any --- circumstances.

Sd/ P. S. Fernandes.

Statement of Gopalkrishna Bangera of Mangalore town --- before the Tahsildar of Mangalore Taluk on 31st December --- 1919. My sister Sheetama who is mulgarthi of S. Nos. 379 & 380 of Casba Bazaar village has died. I am the only heir to her. S. No. 379 has been enjoyed on mulgeni by P. S. Fernandes and S. No. 380 by Dalayet Rama. I get mulgeni Rs.2/- from -- P. S. Fernandes and Rs.2/8/0 from Dalayet Rama annually. I have no objection to part with the muli right in respect of -- S. Nos. 379 & 380 for a reasonable price to the Canara High -- school. Mani (female) was formerly enjoying S. Nos. 379 on mulgeni right. Mani sold her mulgeni right to Manibettu -- Kantu Bhandary who sold his mulgeni right to P. S. Fernandes. The last transaction was effected about a year or a year and a half ago. Poovu (female) was enjoying S. No. 380 on mulgeni. The said Poovu is now no more. She is mother of Dalayet Rama.

Sd/ M. Gopal Krishna Bangera.

Re-examined on 31. 12. 1919:-- I should be paid Rs.5,000/- per acre for the muli right, if S. Nos. 379 & 380 are required

for the Canara High School. I am not willing to part with the plots for any sum less than this.

Sd/ M. Gopal Krishna Bangera.

Statement of Duggu (female) younger sister of deceased --- mulgenidar Poovu of Mangalore town before the Shanbhogue of --- Kasba Bazaar on 8th January 1920.

Heard Taluk Order N. Ref. C. No. 3472/Rev. 19 and the --- sketch and other enclosures connected with the records of enquiry relating to plots required for the school by the Manager of the - Canara High School. We have been enjoying S. No. 380 of Kasba Bazaar on Mulgeni right. I am the present senior most member in our family. The other plot ~~is~~ possessed by us was already acquired by the school authorities. Only S. No. 380 ~~has~~ has been left for us for the residence of our whole family. --- Therefore I am not under any circumstances willing to part with it in favour of the Canara High School. There is no other plot for us to live in, if I should part with this plot.

arks of Dugge (female).

Statement of Krishna nephew of Rama of Mangalore town before the Kasba Bazaar shanbhogue on 28th February 1920.

Heard Taluk order N. Ref. C. No. 3472/Rev. 19 the sketch an other enclosures connected, the records of enquiry relating to --- plots required by the Canara High School Manager for the school -- purpose. I was present to-day when the Tahsildar inspected S. No. 380. I am now only told that the plot will be acquired. I am son of Baiya daughter of Maira who is the eldest sister of --- Duggu (female) above referred to). I am the senior most male member in my family. I have no objection whatever to part with the plot S. No. 380 for the use of the school. But I should be paid reasonable price for it. I consent to part with the plot, if reasonable price is offered.

Sd/M.Krishna.

-- 14/39

Statement of Gopal Krishna Bangera nephew of Mundappa Bangera of Bolar, Mangalore Town before the Revenue Inspector on 10th September 1920.

I have been enjoying on muli right R. S. No. 378 of --- Kasba Bazaar village (T. S. No.3) with an extent of 8 cents. I have determined to purchase the mulgeni right from the -- present mulgenidar Aithu Marla and to construct a house ----- thereon for my occupation. I have no house of my own to live in. I have no objection to Government acquiring it for the use of the Canara High School. I want Rs.5,000/- per acre for the land I get Rs.3/- in the shape of mulgeni from Aithu -- Marla.

Sd/ M. Gopal Krishna Bangera.

Statement of Aithu Marla nephew of Lingalva of Ulipadi -guttu residing in Muttur village before the Revenue Inspector of Gurpur Firka on 3rd October 1920.

Heard the records read over to me. I have been enjoying S. No. 378 of Kasba Bazaar village of Mangalore Taluk on muli right. The plot contained a house (ceiled and tiled) --- built anew by my uncle Lingalva, an out-house, a well, a latrine, three cocoanut trees and one Bappangai tree. Both the houses were newly built by my uncle. The garden has on two sides --- stone compound wall. The compound wall and the well were -- constructed by me. I understand that the whole of S. No.378 is necessary for extending the site of the Canara High School. I understand that Government are going to acquire it for the -- use of the school under the Land Acquisition Act.

I have retained the plot as it is quite essential for me. I am in urgent need of a house in Mangalore for the --- schooling of small children of my family. One can hardly get any plot in Mangalore town. It is with the greatest difficulty

that I shall have to part with this plot. But as the plot is required for the use of the school, I am willing to part with it. I should get reasonable price for it as compensation. It was -- very difficult for draining the water of the garden A gutter - has to be constructed with stones to empty the dirty water after opening the surface soil to a depth of about 5 feet. I had to -- spend Rs.400/- for the construction of the gutter. The well cost me Rs.450/- and latrine Rs.100/-. the stone compound wall --- Rs.600/-, the house (wherein Uggu female is putting up) Rs. 250/-, the big house should fetch Rs.4,000/- , the land Rs.1,500/- the -- three cocoanut trees Rs.100/-, thus aggregating to Rs.7,400/-. We cannot get any plot in Mangalore town

therefore get this price have no objection to part with the plot for the school purpose.

Sd/ Aithu Marla (in Canarese)

(True Translation)

14/4

for Collector.

14.4.21

Sect. II-8 (f)—11,004—16-1-17.

Law (Edn.) Dept

C. No 1333 B

Subject

Kanara high School-
Acqn. of land-

Endorsement No 1333 B-1 Edn
21/4/21

Referred to the
D. P. I. for remarks

Correct
CW
21/4/21

CR
21-4-21

ab
19.4.21

JL
20.4.21

The D. P. I. (with Current in original to be sent with reply)

RDP
SR
3/6

17

O.F.—20

LAW (EDUCATION) **DEPARTMENT.**

191 . *Registered* Ls. 1963 B 26.6.21. 191

Subject.

Returning the enclosures received with your endorsement No.1333B-1 dated 21st April 1921 in connection with the ---- acquisition of certain sites for the Kanara High School,---- Mangalore.

Enclosures
No.
Spare copies

Ref. on Cur. **No.** 484 of 1921

Station Madras, *Dated the* 28rd June 191

From (Name) R.Littlehailes Esq, M. A.,

(Designation) Director of Public Instruction,

Madras.

To The Secretary to the Government of Madras,

Law(Education) Department.

Sir,

In returning herewith the enclosures received with your endorsement No.1333B-1 dated 21st April 1921 in connection with the acquisition of certain sites for the Kanara High School,Mangalore,I have the honour to recommend that all the sites referred to may be acquired.

The Government will be addressed separately regarding the question of grant for the proposed acquisition.

I have the honour to be,
Sir,
Your most obedient servant.

/for Director of Public Instruction/

sar.

Secrt. II-10 (a)—26,596 -11-4-21.

Law Edn. DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied		
When examined ..		
When signed ..		
When despatched ..		

Acquisition of Land
Kanara High School
Mangalore - Draft note published
~~Triennial Treaty~~

Law Edn

READ AGAIN G.O. No. 530 Law Edn, dated 4-4-21 192

" " " " " 192

READ ALSO:—

C. No. 1333/B From the Collector S. Kanara No. Roc 3472 Rev/19, dated 4-4- 1921.

" " 1943/B " " D.P.I. " Roc 484/21 23-6- 1921.

" " " " " 192

ORDER

No. 1038, dated 15-7- 1921.

his

The Govt consider that the plots of land measuring 41,117 Sq. feet required for the Kanara High School, Mangalore, should be acquired under the Land Acqn Act, 1894. The draft notification submitted by the Collector of South Kanara will be published in the Fort St George Gazette.

2. Before proceeding to acquire the land, the management of the School should be required to get themselves registered as required by G.O no 665 Home Edn 7-6-20, if they have not already done so.

3. A grant of one anna (⊗) is sanctioned from Provincial funds towards the cost of the acquisition under the proviso to Sub section (1) of Section 6 of the Act. The Collector of S. Kanara is requested to call on the authorities of the School to deposit in the treasury a sum of Rs 11,825-10-10 (Rs eleven thousand eight hundred and twenty five, annas ~~ten~~ and pies ten) and to undertake to pay such larger amount as may be required on actual determination of the award.

4. After acquisition the land shall be conveyed to the authorities of the School by a formal deed of conveyance providing among others, for the conditions laid down in G.O No 134 Home (Edn) dt 27.1.20 (E

(⊗) This grant is proposed with a view to apply the provisions of the Land Acquisition Act to the proposed acquisition and the question of the grant for the acquisition will be considered on receipt of proposals from the D.P.I. — vide para 2 of Govt. letter on p 14 CF

Jd

28/6/21

Jd 29.6.21

Note

Revenue G.O. for acceptance

30/6/21

Jd 29.6.21

Revenue

REVENUE-D 3678

SECRETARIAT HOME DEPARTMENT 2nd JULY 1921 RECEIVED

DESPATCHED 16 JUL 1921

30/6/21

Copied G.O. (5.7.21)

2. The Collector of S. K.
No. D.P.I. (dc) (Pa
A.G. Ins. Fin. (Gen)
Finance (do)
Rev. Dept. (do)
S.G.P. (for pub.
Calcutta Notice in
Gazette with
the Notification
in original

G.O. 1943 B-1 Edn 2/7/21

Gazetted on 19-7-21

D 18 4.7.21 JDR 4.7

P.S. 9/11

CM3678D/21

3

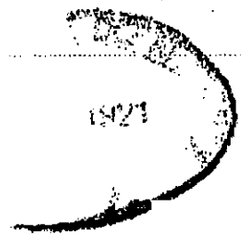
Received in the fair-copying section .....

Copied by .....

Examined by .....

Signed .....

Despatched .....



Revenue Dept

To MS.

The draft order at pages 1-2 ante may be accepted and the file returned to Education Dept.

Law (Edn) u/o 6-7-21

8/7

Rev No 3678 D/21
8.7.21

4.7.21

Law (Edn) Dept

Draft may issue,

Ear 2046 B
9.7.21

9.7.21

11.7.21

12/7/21